

PB# 87-61

**John Pizzo
(Withdrawn)**

4-1-11.1

John Pizzo - *Apr 28 1987* 87-61 -
Site Plan

*Withdrawn 2-11-93
Reapplied under #93-4*

County File No. NWT 41-89 M

COUNTY PLANNING REFERRAL

(Mandatory County Planning Review under Article 12-B,
Section 239, Paragraphs 1, m & n, of the
General Municipal Law)

Application of John Pizzo
for a Area and Use Variance Route 207/Temple Hill Rd
County Action: Disapproval

LOCAL MUNICIPAL ACTION

The Above-cited application was:

Denied Approved

Approved subject to County recommendations

(Date of Local Action)

(Signature of Local Official)

This card must be returned to the Orange County Department of Planning
within 7 days of local action.

Oxford®

ESSELTE

MADE IN U.S.A.

NO. 752 1/3

12/16/89 Insp
11/17/89

of action by approval

LOCAL MUNICIPAL ACTION

The Above-cited application was:

Denied Approved

Approved subject to County recommendations

(Date of Local Action)

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Oxford[®]

ESSELTE

MADE IN U.S.A.

NO. 752 1/3

BBQ Insp ✓
Hwy ✓
Sewer ✓
Water ✓
Fire ✓
DOT ✓

Eng
\$400.00

EDWIN J. GARLING, AICP Principal
LESLIE J. DOTSON, Associate Planner
R. BRUCE HARDE, PhD, AICP Associate Planner



Garling Associates

MASTER PLAN • ZONING • SUBDIVISION • ENVIRONMENTAL STATEMENT PREPARATION
ECONOMIC AND PLANNING STUDIES • SITE SELECTION AND DESIGN
PROJECT DEVELOPMENT AND MANAGEMENT

May 14, 1992

Mr. James Petro, Chairman
Town of New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12553

RE: Pizzo property

Dear Mr. Petro:

Our office has completed a review of the Pizzo property on the triangular parcel on Route 207 at Temple Hill Road. Comments and recommendations have been prepared based upon our analysis of the proposed site plan, a field inspection of the parcel, review of the current zoning, discussions with Mark Edsall and a review of the minutes of meetings held in reference to this parcel.

The parcel is zoned R-4 and all R-4 uses are either undesirable or impractical for this site. It is possible for a residence or two to be built on the site and sold under the right circumstances. Even a residence care facility limited to persons who cannot go outdoors on their own is possible. However, it would be improper to continue to encourage residential uses on this narrow site surrounded by roads which are heavily trafficked and generally noisy at all hours of the day and evening.

The parcel has numerous physical constraints which lend themselves to supporting a use variance or zone change. No matter what zoning is ultimately recommended one or more area variances will be required in order to develop this lot.

The proposed use is the most logical and practical for the site given its limitations. A building on the site would be highly visible and accessible. It would also be a relatively low traffic generator which is important due to the nature of the traffic patterns around the site. The use should be attractive since it will be heavily viewed by so many people each day.

LOCATION

207 PROFESSIONAL BUILDING
ROUTE 207, CAMPBELL HALL, NY 10916

(914) 294-5835
FAX (914) 294-5754

MAILING ADDRESS

P.O. BOX 1029
GOSHEN, NY 10924

Access to the site is only possible as shown on the site plan. The traffic patterns around the site very clearly dictate this arrangement.

The site plan presented contains numerous problems and the site is probably more limited than what has been shown. A cursory site plan analysis shows that the plan does not function and must be redesigned. Parking requirements must also be reconsidered by the Town Board.

Rezoning is requested to PO-Professional Office since that is the most likely use. However, a PO rezoning could be considered spot zoning. A rezoning to the PI-Planned Industrial or OLI-Office and Light Industry are also possible as they border this site. Rezoning to either OLI or PI could not be construed as spot zoning, however, far more variances are needed for the site in either of these zones. Indeed, other commercial uses in the area should also be rezoned from R-4 to a commercial designation of which either OLI or PI would be more appropriate.

Regardless of how the final site plan is designed, area variances will be required. The numbers below represent the area or bulk requirements from which variances are necessary and the extent of the variance required for a professional or business office.

Bulk Requirement *	Provided Requirements	Zoning District		
		PO	PI	OLI
Lot Area	34,873	15,000	80,000	80,000
Variance Req.		None	45,127	45,127
Lot Width	120	100	200	200
Variance Req.		None	80	80
Front Yard	35	35	100	100
Variance Req.		None	65	65
Devel.Coverage	63%	30%	N/A	N/A
Variance Req.		33%	None	None
Floor Area Ratio	0.29	N/A	0.2	0.2
Variance Req.		None	0.09	0.09
Building Hgt.	34	35	4"/foot	4"/foot
Variance Req.		None	22	22

* Bulk Requirements which are not applicable are not shown.

No matter which zone is chosen the site plan will first have to go to the Zoning Board of Appeals for area variance(s) and to the Planning Board for site plan approvals. It would be desirable as a matter of procedure to have the plan first submitted to the Planning Board for review and comment to the Zoning Board of Appeals.

A cursory review of the site plan shows the following general problems which require a complete revision of the plan:

- A. Turning radius of 50 feet as shown is not actually provided. This is a problem for trucks.
- B. Sixty degree parking must be reduced to forty-five degrees as maneuvering space is unavailable.
- C. Parking may be inadequate. The standard of ten spaces per office is irrational.
- D. A curb and narrow planting area are needed around the building.
- E. A building of 10,000 square feet may not be possible.
- F. A truck loading area will be required for this building since a truck parking anywhere on this site would temporarily block traffic.

Recommendation:

Rezone the site Professional Office (PO) as fewer variances are needed. The spot zoning issue should be discussed with your attorney, but this site is so unusual, with so many constraints and with commercial uses surrounding it that spot zoning should be a non-issue. If it is an issue then the site and J and H Smith should be rezoned OLI.

Sincerely,

Edwin J. Garling AICP
Edwin J. Garling, AICP

EJG:mm

cc: Mark Edsall



J. & H. SMITH LIGHT CORP.

P. O. BOX 1449, NEWBURGH, NEW YORK 12550
TELEPHONE 914 561-8800
FAX NO. 914 561-8932

December 27, 1990

Chairman of Planning Board
Town of New Windsor
555 Union Ave.
New Windsor, New York 12553

Dear Sir,

We are writing regarding the one-acre triangular lot owned by John Pizzo, which is located opposite our property. We understand that the Town Board is considering changing the zoning on this lot from residential to professional office.

We object to the development of this triangular lot since it would create problems for us and have a negative impact on our property which we have kept neat and clean through the years and has been a positive influence for the Town of New Windsor.

We feel development would create a lowering of land values. Additionally, the Planning Board and Zoning Board of Appeals have already rejected Mr. Pizzo's requests regarding the subject property and nothing has transpired since these rejections to change our opinion on this matter.

Please keep us informed of any meetings that may affect the changing of zoning status regarding subject property.

Thank you.

Sincerely,

Joseph Smith, Sr./President

Michael A. Smith/Vice President

Joseph V. Smith, Jr./Secretary Treasurer

cc: Town Board
cc: Town Supervisor
cc: Chairman of Zoning Board of Appeals

MAS/slt



Louis Holmbeck
County Executive

Department of Planning
& Development

124 Main Street
Goshen, New York 10924
(914) 294-5151

Peter Garrison, Commissioner
Richard S. DeTurk, Deputy Commissioner

ORANGE COUNTY DEPARTMENT OF PLANNING & DEVELOPMENT
239 L, M or N Report

This proposed action is being reviewed as an aid in coordinating such action between and among governmental agencies by bringing pertinent inter-community and Countywide considerations to the attention of the municipal agency having jurisdiction.

Referred by Town of New Windsor ZBA D P & D Reference No. NWT 41-89 M
County I.D. No. 4 / 1 / 11.1

Applicant John Pizzo

Proposed Action: Use and Area Variance Route 207/Temple Hill Rd Intersection
State, County, Inter-Municipal Basis for 239 Review frontage/access to Route 207

Comments: Development of this parcel is inappropriate. Serious traffic implications.

Related Reviews and Permits NYS DOT

County Action: Local Determination _____ Disapproved ~~xxxxxxxxxx~~ Approved _____

Approved subject to the following modifications and/or conditions: _____

11/8/89
Date

Peter Garrison
Commissioner

STATE OF NEW YORK
DEPARTMENT OF TRANSPORTATION
112 DICKSON STREET
NEWBURGH, NY 12550

Albert E. Dickson
Regional Director

Franklin E. White
Commissioner

September 9, 1987

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

RE: John Pizzo
Rte. 300, S.H. 3457
Rte. 207, S.H. 153


Dear Chairman:

We have reviewed this matter and please find our comments checked below:

- ☒ A Highway Work Permit will be required
- ☒ No objection
- ☐ Need additional information ☐ Traffic Study
- ☐ Drainage Study
- ☐ To be reviewed by Regional Office
- ☐ Does not affect N.Y. State Dept. of Transportation

ADDITIONAL COMMENTS: We may require change in layout on Rte. 207.

Very truly yours,


Donald Greene
C.E. I Permits
Orange County

DB/dn

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SITE PLAN OR
SUBDIVISION PLAN APPROVAL

1. Name of Project Site Plan for John Pizzo
2. Name of Applicant John Pizzo Phone 561-2919
Address Rte 17K, 466 Zayre Plaza, Newburgh, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Applicant Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Patrick T. Kennedy, Jr. Phone 562-6444
Address 335 Temple Hill Rd, New Windsor, N.Y. 12550
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney _____ Phone _____
Address _____
(Street No. & Name) (Post Office) (State) (Zip)
6. Location: On the South side of N.Y.S. Rte 207 (Little Britain Rd)
at intersection of N.Y.S. Rte 300 (Temple Hill Rd)
Feet (Direction)
of _____
(Street)
7. Acreage of Parcel 0.811 acres 8. Zoning District R-4
9. Tax Map Designation: Section 4 Block 1 Lot 11-1
10. This application is for Proposed two story Office Building
11. Has the Zoning Board of Appeals granted any variance or a special permit concerning this property? no.

If so, list Case No. and Name _____

12. List all contiguous holdings in the same ownership None
Section _____ Block _____ Lot(s) _____

Attached hereto is an affidavit of ownership indicating the dates the respective holdings of land were acquired, together with the liber and page of each conveyance into the present owner as recorded in the Orange County Clerk's Office. This affidavit shall indicate the legal owner of the property, the contract owner of the property and the date the contract of sale was executed.

IN THE EVENT OF CORPORATE OWNERSHIP: A list of all directors, officers and stockholders of each corporation owning more than five percent (5%) of any class of stock must be attached.

OWNER'S ENDORSEMENT
(Completion required ONLY if applicable)

COUNTY OF ORANGE

SS.:

STATE OF NEW YORK

John L. Pizzo being duly sworn, deposes and says
that he resides at 51 Dogwood N's Rd. Newburgh Ny
in the County of ORANGE and State of NEW YORK
and that he is (the owner in fee) of OWNER
(Official Title)

of the Corporation which is the Owner in fee of the premises described in the foregoing application and that he has authorized to make the foregoing application for Special Use Approval as described herein.

I HEREBY DEPOSE AND SAY THAT ALL THE ABOVE STATEMENTS AND INFORMATION, AND ALL STATEMENTS AND INFORMATION CONTAINED IN THE SUPPORTING DOCUMENTS AND DRAWINGS ATTACHED HERETO ARE TRUE

Sworn before me this 18th

18th day of August 1987

Dennis L. Needham
Notary Public

APPOINTED IN ORANGE COUNTY
NOTARY PUBLIC, STATE OF NEW YORK
COMMISSION EXPIRES APRIL 30, 1988
DENISE L. NEEDHAM

[Signature]
(Owner's Signature)

[Signature]
(Applicant's Signature)

(Title)

SHORT ENVIRONMENTAL ASSESSMENT FORM

Appendix B Part 617

Project Title: Site Plan for John Pizzo
Location: N.Y.S. Rte 207 (Little Britain Rd)
ID Number: Tax Map Section 4, Block 1, Lot 11.1

INSTRUCTIONS:

- (a) In order to answer the questions in this short EAF it is assumed that the preparer will use currently available information concerning the project and the likely impacts of the action. It is not expected that additional studies, research or other investigations will be undertaken.
- (b) If any question has been answered **Yes**, the project may have a significant effect and the full Environmental Assessment Form is necessary. **Maybe** or **Unknown** answers should be considered as **Yes** answers.
- (c) If all questions have been answered **No** it is likely that this project will not have a significant effect.
- (d) If additional space is needed to answer the questions, please use the back of the sheet or provide attachments as required.

ENVIRONMENTAL ASSESSMENT

	YES	NO
1. Will project result in a large physical change to the project site or physically alter more than 10 acres of land?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Will there be a major change to any unique or unusual land form found on the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Will project alter or have a large effect on an existing body of water?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Will project have an adverse impact on groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. Will project significantly effect drainage flow on adjacent sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Will project affect any threatened or endangered plant or animal species?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Will project result in a major adverse effect on air quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Will project have a major effect on the visual character of the community or scenic views or vistas known to be important to the community?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Will project adversely impact any site or structure of historic, prehistoric, or paleontological importance or any site designated as a Critical Environmental Area by a local agency?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Will project have a major adverse effect on existing or future recreational opportunities?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Will project result in major traffic problems or cause a major effect to existing transportation systems?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Is project non-farm related and located within a certified agricultural district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Will project regularly cause objectionable odors, noise, glare, vibration, or electrical disturbance as a result of the project's operation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Will project have any adverse impact on public health or safety?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Will project affect the existing community by directly causing a growth in permanent population of more than 5 percent over a one-year period or have a major negative effect on the character of the community or neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Is there public controversy concerning any potential impact of the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

FOR AGENCY USE ONLY

Preparer's Signature: *John Pizzo* Date: 8/17/87
Preparer's Title: Land Surveyor
Agency: _____

BULK ZONING REGULATIONS

ZONING DISTRICT DESIGNATION **PO (PROFESSIONAL OFFICE)**
 SECT. 4 BLK. 1 LOT 11.1

ITEM	REQUIRED	PROVIDED	ZBA/VAR.
MIN. LOT AREA	15,000S.F.	34,873S.F.	N/A
MIN. LOT WIDTH	100'	120'	N/A
MIN. FRONT YARD	35'	35'	N/A
MIN. REAR YARD	40'	N/A	N/A
MIN. SIDE YARD BOTH SIDES	15' 30'	N/A N/A	N/A N/A
MIN. STREET FRONTAGE	60'	1,141.56'	N/A
MAX. DEVEL. COVERAGE %	30%	79%	49%
MAX. BLDG. HEIGHT	35'	34'	N/A
FLOOR AREA RATIO	N/A	N/A	N/A
MIN. LIVABLE FLR. AREA	1,000S.F.	N/A	N/A

NOTE:-

A VARIANCE FOR THE MAXIMUM DEVELOPMENT COVERAGE IS REQUIRED FOR THIS LOT.
 -SIDE AND REAR YARD SETBACKS DO NOT APPLY TO THIS LOT DUE TO IT HAVING ROADS AGAINST ALL THE LOT LINES MAKING THEM MEET FRONT YARD REQUIREMENTS.

PARKING REQUIREMENTS

REQUIRED PARKING

10 PER OFFICE - 4 OFFICES = 40 SPACES REQ'D

PROVIDED

43 SPACES PROVIDED INCLUDING 4 HANDICAP



BULK ZONING REGULATIONS

ZONING DISTRICT DESIGNATION PD (PROFESSIONAL OFFICE)

SECT. 4 BLK. 1 LOT 11.1

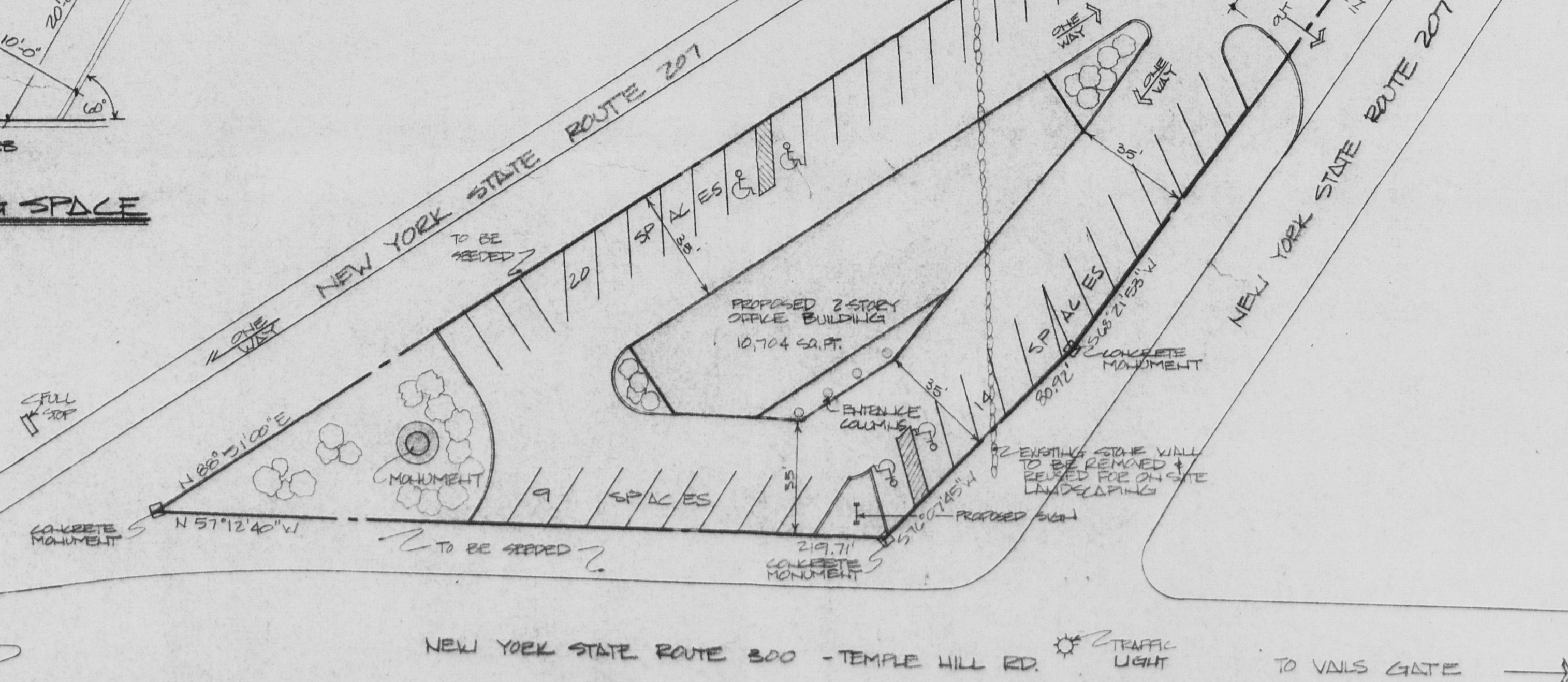
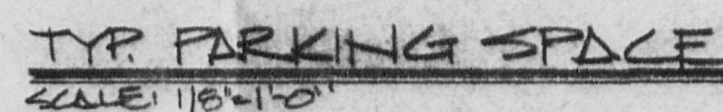
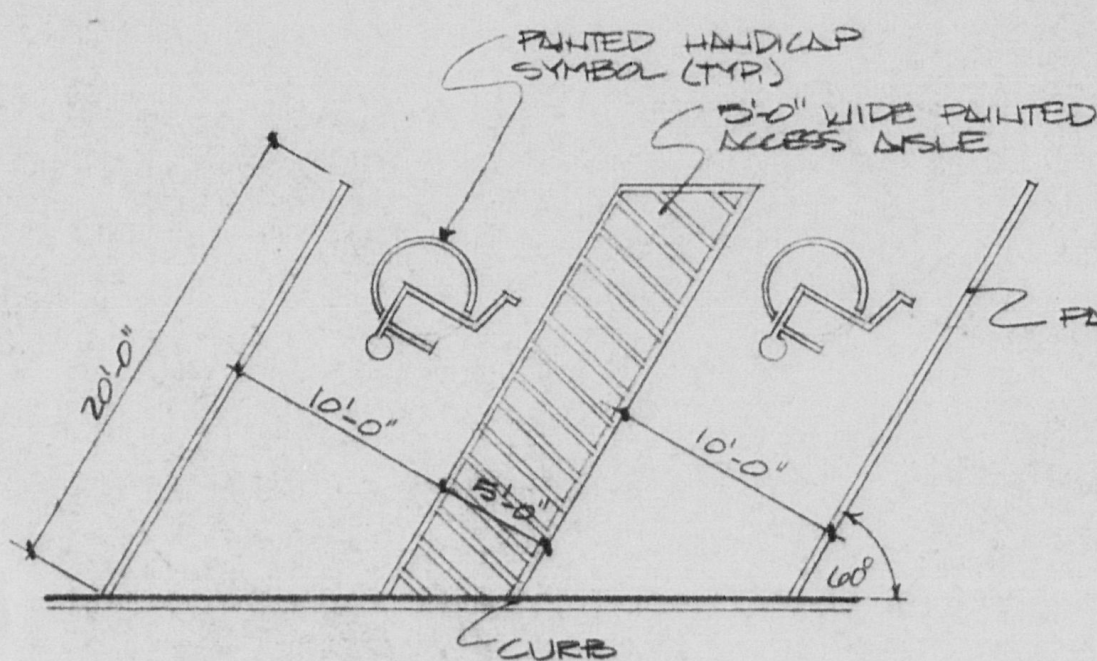
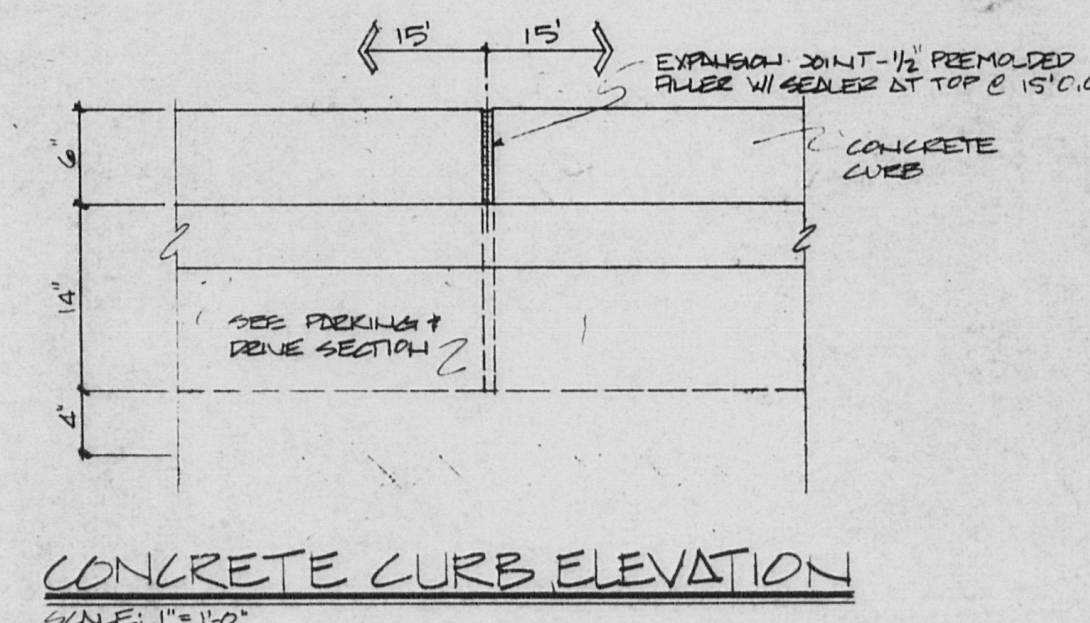
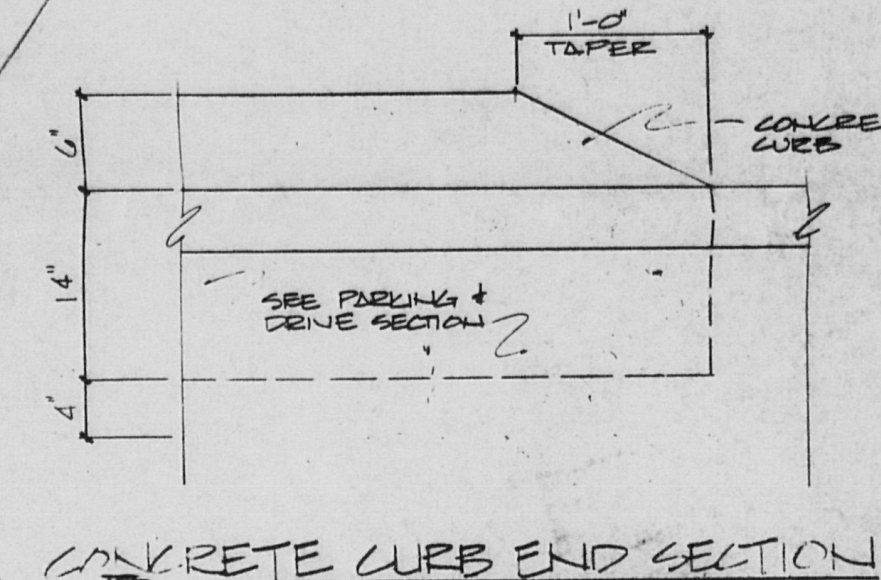
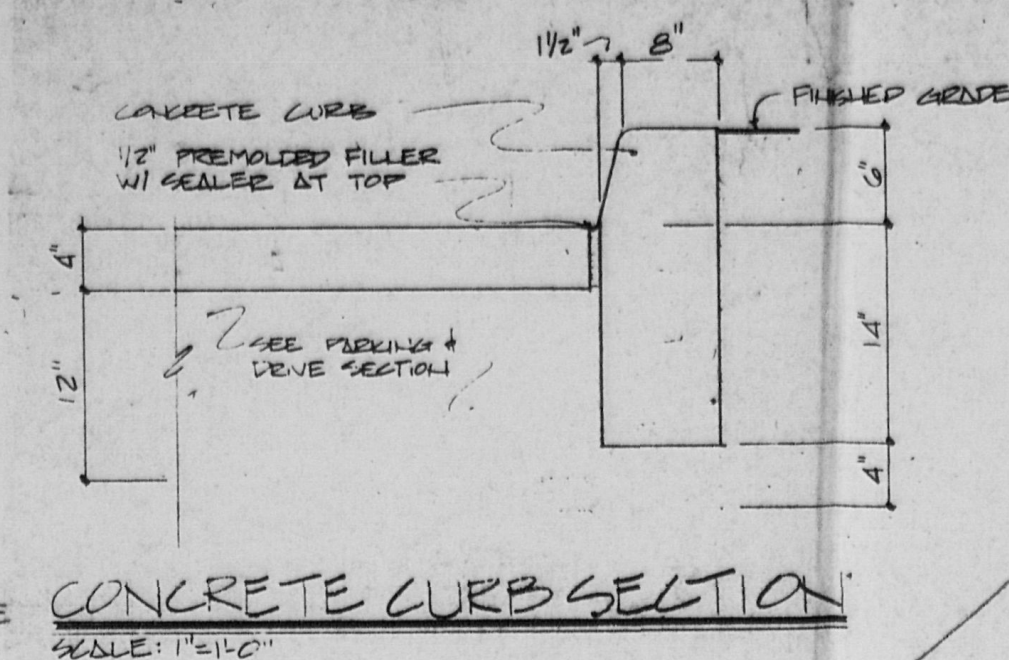
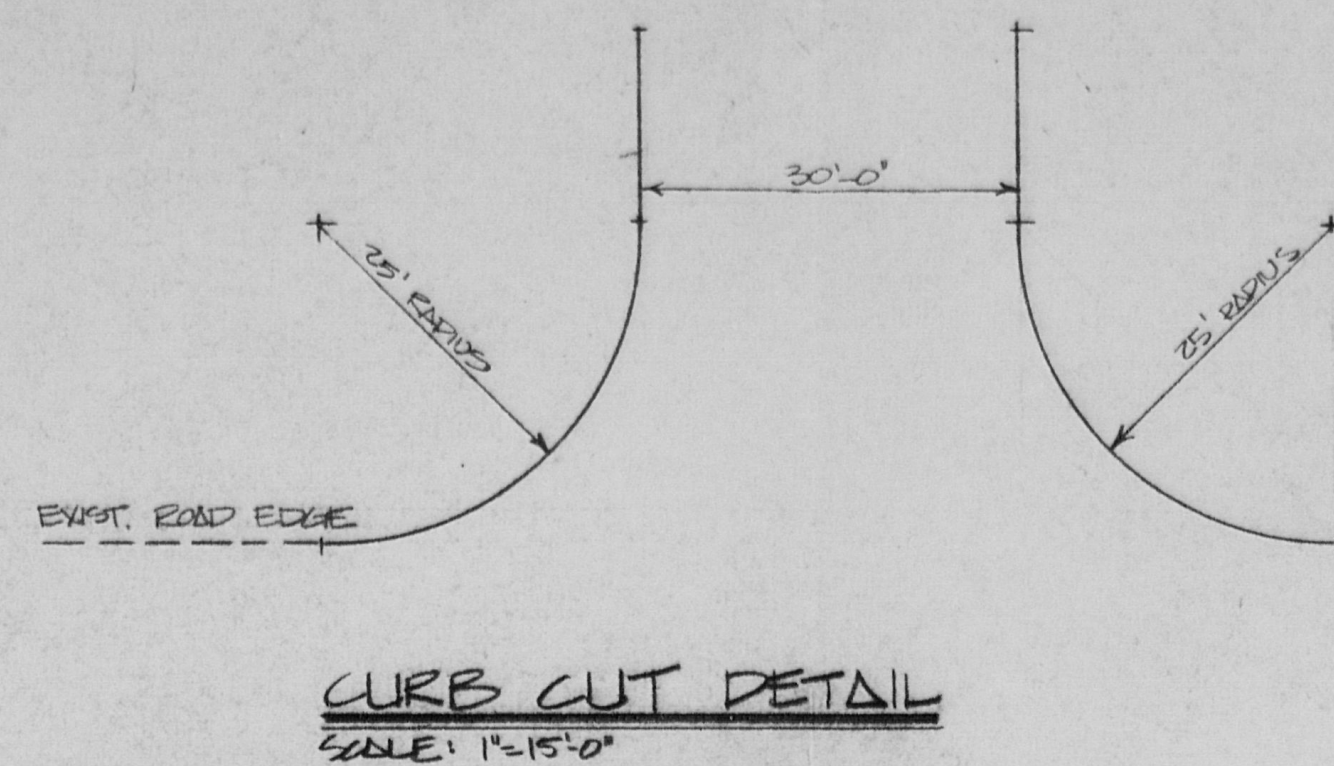
ITEM	REQUIRED	PROVIDED	ZBA/VAR.
MIN. LOT AREA	15,000 S.F.	34,873 S.F.	N/A
MIN. LOT WIDTH	100'	120'	N/A
MIN. FRONT YARD	35'	35'	N/A
MIN. REAR YARD	40'	N/A	N/A
MIN. SIDE YARD BOTH SIDES	15'	N/A	N/A
MIN. STREET FRONTAGE	60'	1,141.56'	N/A
MAX. DEVEL. COVERAGE	30%	79%	49%
MAX. BLDG. HEIGHT	35'	34'	N/A
FLOOR AREA RATIO	N/A	N/A	N/A
MIN. LIVABLE FLR. AREA	1,000 S.F.	N/A	N/A

NOTE: A VARIANCE FOR THE MAXIMUM DEVELOPMENT COVERAGE IS REQUIRED FOR THIS LOT. SIDE AND REAR YARD SETBACKS DO NOT APPLY TO THIS LOT DUE TO IT HAVING ROADS AGAINST ALL THE LOT LINES MAKING THEM MEET FRONT YARD REQUIREMENTS.

PARKING REQUIREMENTS

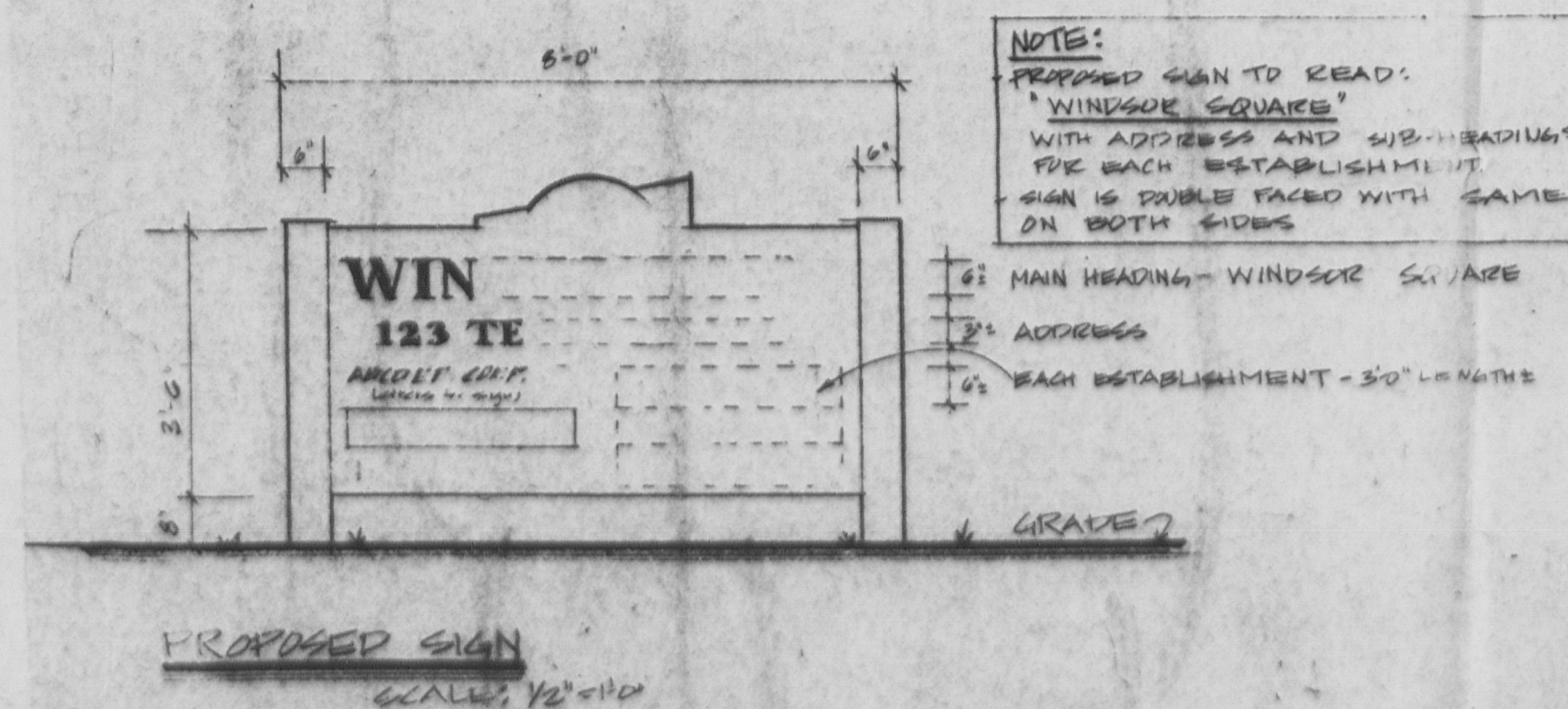
REQUIRED PARKING
10 PER OFFICE - 4 OFFICES = 40 SPACES REQ'D

PROVIDED
43 SPACES PROVIDED INCLUDING 4 HANDICAP



NOTES:

- TAX MAP DATA: SECT. 4 BLK. 1 LOT 11.1
- DEED REFERENCE: UBER 1943, PAGE 386
- RECORD OWNER & AFFILIANT: JOHN PIZZO
- ETE. 17K, ZAYRE PLAZA, NEWBURGH, N.Y. 12550
- INFORMATION SHOWN TAKEN FROM A SURVEY BY PATRICK J. KELNEDY L.S. N° 49,219 DATED DEC. 15, 1986.



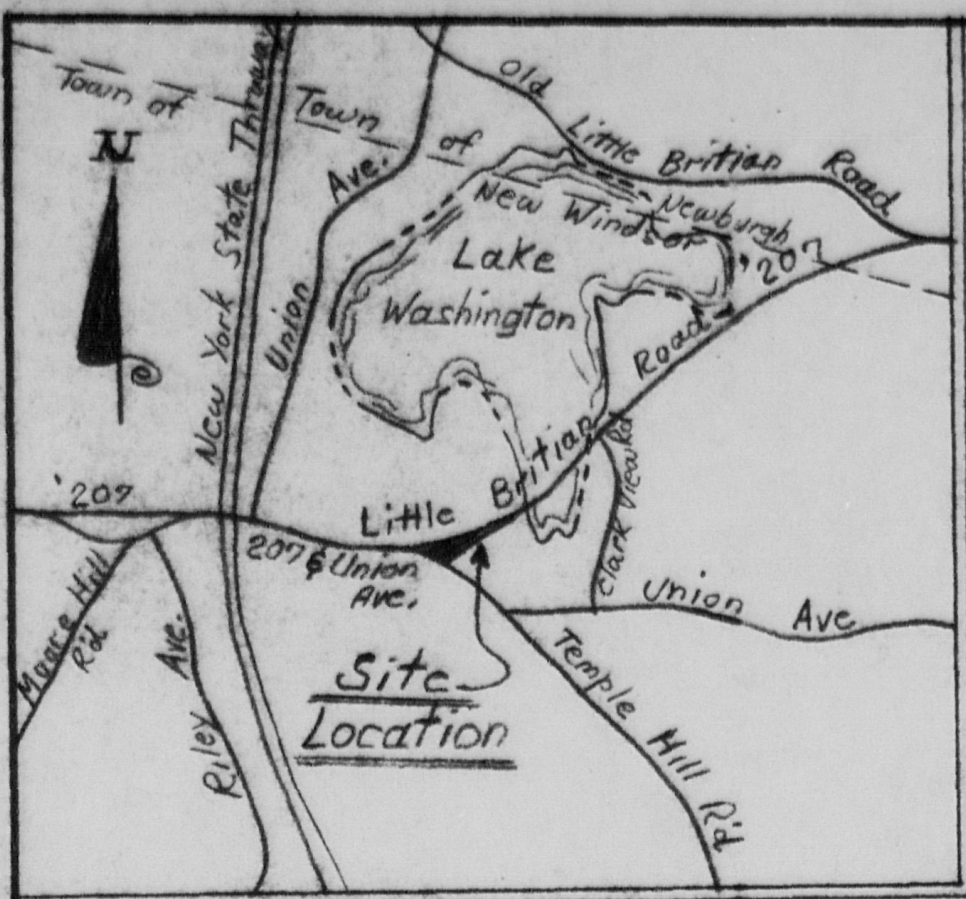
PAUL V. CUOMO, P.E.
478 UNION AVE. NEW WINDSOR, N.Y. 12550
561-0448

PROPOSED SITE PLAN



DATE: SEPT. 11, 1989
DRAWN BY: MGE
CHECKED BY:
SCALE: AS NOTED

DRAWING NO. SP-1
SHEET 1 OF 1
87072



Location Map

Scale: 1" = 2,000'

Zoning District: R-4

(Minimum Required)

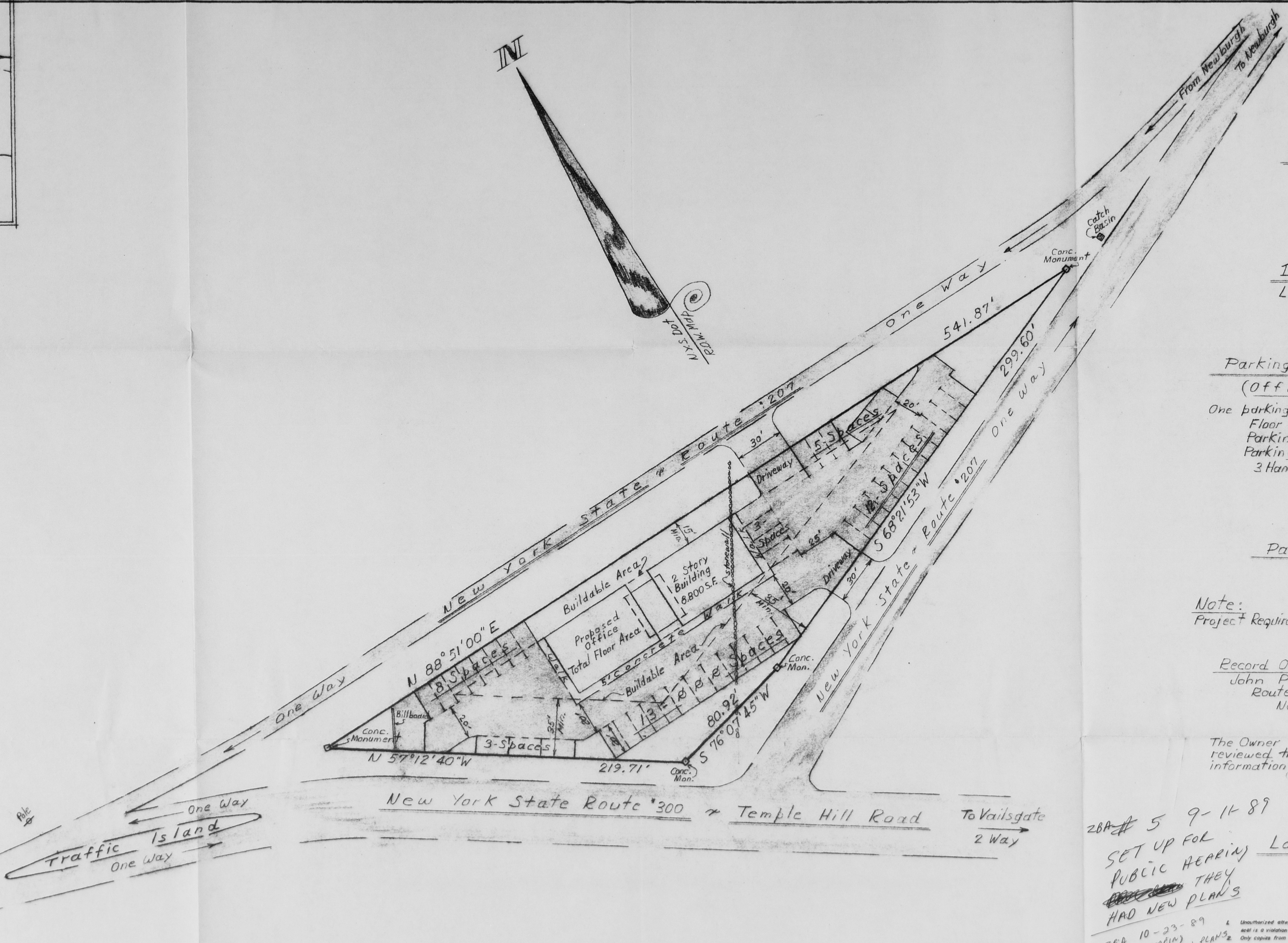
Lot Area: 15,000 S.F.

Lot Width: 100'

Front Yard: 35'

Side Yard: 15'

Rear Yard: 40'



Tax Map Data:

Section: 4

Block: 1

Lot: 11.1

Deed Reference:

Liber 1943, Page 386

Parking Requirements:

(Office Space)

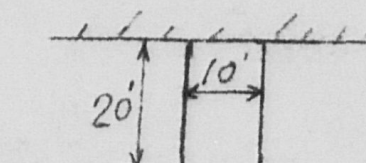
One parking space per S.F. of floor space.

Floor Area Proposed: 8,800 S.F.

Parking Spaces Required: 44

Parking Spaces Proposed: 44

3 Handicap + 41 Standard = 44 Spaces



Parking Space Detail

(No Scale)

Note:

Project Requires Use Variance for Office Space.

Record Owner & Applicant:

John Pizzo
Route 17K, Zayre Plaza
Newburgh, N.Y. 12550

The Owner of the proposed site plan has reviewed this plan and concurs with the information & proposals shown hereon.

John Pizzo

2BA # 5 9-11-89

SET UP FOR
PUBLIC HEARING
~~THEY HAD NEW PLANS~~

Lot Area: 0.801 acres
(34,873 S.F.)

2BA 10-23-89

PUBLIC HEARING
THEY HAD NEW PLANS

- Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2 of the N.Y. State Education Law. Only copies from the original of the survey marked with an original of the land surveyor's inked seal or his embossed seal shall be considered to be valid true copies.
- Certifications indicated hereon signify that this survey was prepared in accordance with the existing Code of Practice for Land Surveyors adopted by the New York State Association of Professional Land Surveyors. Said certifications shall run only to the person for whom the survey is prepared, and on his behalf to the title company, governmental agency and lending institution listed hereon, and to the assignees of the lending institution. Certifications are not transferable to additional institutions or subsequent owner.
- Underground improvements or encroachments, if any, are not shown hereon.



Patrick T. Kennedy L.S.	
335 Temple Hill Road • New Windsor, New York 12550	
SCALE: 1" = 30'	APPROVED BY:
DATE: Dec 15/1986	REVISION:
Site Plan for John Pizzo	
Town of New Windsor	
Orange County, New York	
DRAWING NUMBER: B6-615	

To John Pizzo and The Town of New Windsor, certified to be a correct and accurate survey, based on an actual field survey completed Dec. 15, 1986.

Dated: Jan. 20, 1987